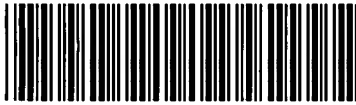


**Application Number****Application/Control No.**

10/799,108

**Examiner**

William L. Miller

**Applicant(s)/Patent under  
Reexamination**

MONETTE ET AL.

**Art Unit**

3677



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,108	03/12/2004	Albert A. Monette	MONE-P01	7671
49142	7590	08/20/2007		
SCHOX PLC 209 N. MAIN STREET #200 ANN ARBOR, MI 48104			EXAMINER MILLER, WILLIAM L	
			ART UNIT 3677	PAPER NUMBER
			MAIL DATE 08/20/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/799,108

Applicant(s)

MONETTE ET AL.

Examiner

William L. Miller

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2,4 and 9-18 is/are pending in the application.
- 4a) Of the above claim(s) 9-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,4 and 12-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>20070712</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 2, 4, and 9-18 are pending.
2. Applicant's election without traverse of Group I, Fig. 1, and claims 2, 4, and 12-18, in the reply filed on 05-30-2007 is acknowledged.
3. Claims 9-11 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim.

### ***Claim Rejections - 35 USC § 112***

4. Claims 2, 4, and 12-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claims 2, 4, and 14 are incomplete for omitting the necessary structure of the primary section, secondary section, and door(s) which enables the functions with respect to the cavity of substantially preventing light entry, substantially allowing light entry, substantially allowing viewing of, substantially allowing light entry but substantially preventing viewing of, and substantially preventing viewing of. The claims should be amended such that the body primary section, the body secondary section, and the door(s) are defined accordingly as transparent, translucent, opaque, etc.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claim 2 is rejected under 35 U.S.C. 102(e) as being anticipated by Simmons

(US#6629634).

8. Regarding claim 2, Simmons discloses a mailbox 10 comprising: a body 12 having a first opening at the front end thereof, defining an interior cavity, having an opaque primary section, namely a roof, which prevents light from entering the cavity, and having a transparent secondary section, namely side wall 26, that allows light to enter the cavity; and a first transparent door 14 allows viewing of the cavity when closed. The primary and secondary sections are being viewed as "integrally connected" to define one unit as they are fixed relative to each other.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 4 and 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simmons in view of Castro (US#4359185).

11. Regarding claim 4, Simmons discloses all of the limitations (see analysis of claim 2 above) except for the secondary section 26 substantially allowing light entry into the cavity and substantially preventing viewing of the cavity. However, Castro teaches a mailbox body having a translucent section, namely translucent windows, (abstract, lines 1-3) which by definition

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substantially allow light entry into the mailbox cavity and substantially prevent viewing of the mailbox cavity. Therefore, as taught by Castro, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Simmons such that the secondary section on the body was translucent as opposed to transparent thereby substantially allowing light entry into the mailbox cavity and substantially preventing viewing of the mailbox. The translucent secondary section would inherently enhance the visibility of the cavity through the transparent doors 14 and 15 and transparent sliding panel 18 by allowing light entry to the cavity, but would allow for privacy and reduced visibility therethrough as a safety feature.

12. Regarding claims 12 and 13, the body defines a second opening at the rear end thereof and a cooperating second door 15.

13. Regarding claim 16, Simmons discloses the second door is formed of a transparent plastic material, Plexiglas, to allow viewing of the cavity in the open position as opposed to the second door being translucent. However, as previously discussed with respect to claim 4, Castro teaches it is known to utilize a translucent material in the mailbox art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Simmons such that the second door was translucent as opposed to transparent thereby substantially allowing light entry into the mailbox cavity and substantially preventing viewing of the mailbox. The translucent second door would inherently enhance the visibility of the cavity through the transparent door 14 and transparent sliding panel 18 by allowing light entry to the cavity, but would allow for privacy and reduced visibility therethrough as a safety feature.

14. Regarding claims 17 and 18, Simmons discloses the second door is formed of a transparent plastic material, Plexiglas, to allow viewing of the cavity in the open position.

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15. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simmons in view of Gelineau et al. (US#3707260).

16. Simmons discloses the second (rear) door 15 as transparent to enable viewing of the cavity when in the closed position as opposed to the second door being an opaque plastic material thus preventing viewing of the mailbox cavity when in the closed position. However, Gelineau discloses a mailbox having front and rear doors 16 and 18 wherein the rear door 18 is an opaque plastic material thus preventing viewing of the mailbox cavity when in the closed position (col. 2, lines 57-61). Therefore, as taught by Gelineau, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Simmons such that the rear door was an opaque plastic material thereby preventing viewing of the mailbox cavity when in the closed position as a safety feature.

### ***Response to Arguments***

17. Applicant's arguments regarding claims 2 and 4 and the previous prior art rejection thereof have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is presented above.

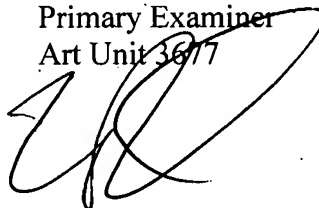
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Miller whose telephone number is (571) 272-7068. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

William L. Miller  
Primary Examiner  
Art Unit 3677

A handwritten signature in black ink, appearing to be 'WLM', is written over the printed name and title of the examiner.

WLM